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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,388	08/29/2000	Ilario A. Coslovi	5699-15	8495
21324	7590	05/17/2004	EXAMINER	
HAHN LOESER & PARKS, LLP TWIN OAKS ESTATE 1225 W. MARKET STREET AKRON, OH 44313			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,388

Applicant(s)

COSLOVI ET AL.

Examiner

Frantz F. Jules

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-46 is/are allowed.
- 6) ☒ Claim(s) 3-9, 10, 12-15, 18, 20, 23-26 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 11, 16, 17, 19, 21, 22 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Black, Jr et al (US 5,782,187).

Claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32

Black Jr et al teach all the limitations of claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 by showing in figs 1-9, a railroad car bridge plate operable to permit a vehicle to be conducted between two rail road cars (22a, 22b) as disclosed in col. 9, lines 45-50 and fig. 6, said bridge plate (32) comprising a beam locatable in a longitudinal orientation of sufficient length to span a gap between a pair of adjacent railroad cars (22a, 22b), said beam having an upwardly facing track surface or flange (34) for vehicle to ride on, said beam having a first pivot fitting (102a) allowing mounting of the beam to the railroad car (22a), said beam having a second fitting (102b) for engaging a second railroad car (22b), said fittings being operable to accommodate yawing of said beam relative to the first or second railroad cars (22a, 22b) when said beam is located in the longitudinal orientation, and the railroad cars in motion and one of said first and second fittings and said fitting permitting movement in a cross-wise orientation relative to the first railroad car when said beam is disengaged from the second railroad car.

Art Unit: 3617

The yawing motion of the beam in a direction transverse to the longitudinal plane of the railcars will result whenever the two railroad cars are to be disconnected since a polymeric collar (111) is provided around the member (102) as shown in fig. 8 for low friction sliding of each of the fittings 102a and 102b within their respective slots 106a and 106b as disclosed in col. 9, lines 51-53.

The first and the second railroad cars are releasably coupled to one another or are disengageable since a threaded connection is used to connect the bridge plate to the railroad cars. Moreover, said fitting consisting of collars (111, 102) for receiving a vertical pivot pin (105), said bridge plate being translatable relative to said second axis whenever one of the pivot pins is removed since a threaded bolt member (105) is used to connect the bridge plate (32) to the railcar (22a or 22b), see fig. 8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 12, 18, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black Jr et al'187 in view of Thompson'478.

Claims 8, 12, 18, 28

Black Jr et al teach all the limitations of claim 8, 12, 18, 28 except for a railroad car bridge plate having traction bars on the upper surface and a hand grab mounted thereto. The general concept of using traction bars on the top surface of an Aluminum bridge plate assembly of two railroad

Art Unit: 3617

car units is well known in the art as illustrated by Bell et al, see fig. 1, column 1, lines 60-67, column 2, lines 49-51. Also, the general concept of adding a hand grab to the bridge plate assembly of a railroad car unit is well known in the art as illustrated by Thompson'478. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Black Jr et al to include the use of traction bars on the top surface of an Aluminum bridge plate assembly in his advantageous bridge plate as taught by Bell et al in order reduce slippage on the bridge plate assembly thereby increasing safety. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Black Jr et al to include the use of a hand grab to the bridge plate assembly in his advantageous bridge plate as taught by Thompson'478 in order to facilitate rotation or handling of the bridge plate when the railroad cars are disconnected for service.

Allowable Subject Matter

5. Claims 11,16, 17, 19, 21, 22, 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 33-46 stand allowable.

Response to Arguments

7. Applicant's arguments filed 03/24/03 have been fully considered but they are not persuasive.

A. Summary of applicant's arguments

In the amendment, applicant traversed the rejection of the newly amended claims 3-10, 12-15, 18, 20, 23-26, 28-32 for the following reasons:

Art Unit: 3617

1. The reference cited in the 102 rejection, Black Jr et al, fails to meet the following requirements:

(a) Black shows one railroad car, not two.

(b) Black does not show the coupler ends of the railroad car.

(c) Black does not show coupler end bridge plates.

(d) Black does not show a gap between two coupled railroad cars.

(e) Black does not show bridge plates spanning the gap between the coupler ends of the two coupled railroad cars.

2. The reference cited in the 102 rejection, Black Jr et al, fails to meet the limitations bridge plates that can be disengaged from the end of the railroad cars.

3. The claim is premised on the idea that the bridge plate can be moved from a longitudinal orientation to a cross-wise orientation. there is nothing in Black that suggests that Black's plates are, ever have been, or ever will be. movable between a longitudinal position and a cross-wise position.

4. The prior art of record Black Jr et al fails to meet the requirement of claims 13-15, 20, and 23-26, 29-32 as to the bridge plates are disengageable from the adjacent railroad cars.

5. The combination rejection of Black Jr et al and Thompson is improper as Black Jr et al is designed to remain in position while Thompson is designed to remain in position.

6. There is no suggestion or motivation or reason to combine the references.

B. Response to applicant's argument

Art Unit: 3617

1. Applicant's argument No. 1, the 102 rejection has been reviewed to correct minor informalities in regard to the identification of the bridge plate which existed in the previous correspondence. Black Jr et al meet all the limitations of claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 as explained above since Black Jr et al disclose a railroad car bridge plate that spans the gap between two railroad cars as recited in the claims. The bridge plate has been identified as item number 32 in the rejection above. Also, the connection between the bridge plate (32) and the railroad car (22) is disclosed in col. 2, lines 50-64 of the reference and as shown in Figs. 5-6, and 8. Applicant's argument that Black Jr et al fail to disclose a bridge plate spanning the gap between the coupler ends of the railroad cars is not understood as "a railroad car bridge plate (32) operable to permit a vehicle to be conducted between respective vehicle decks of a pair of first and second longitudinally coupled rail road cars", as recited in the claims, is disclosed by Black Jr et al.
2. In response to applicant's argument No. 2, it must be recognized that the connection for the bridge plate is such that it can be disengaged from the coupler end of the second railroad car. The connection is such that the bridge plate beam is disengageable from the railroad car whenever needed as explained above as shown in fig. 8 since the bridge plate is secured by bolt 105. Removal of bolt 105 permits disengagement of the bridge plate from the end of the railcar.
3. In response to applicant's argument No. 3, it must be recognized that the bridge plates are fully capable of moving from a longitudinal orientation to a crosswise orientation since a polymeric sleeve 111 is provided around the threaded bolt and stud or bushing member 102 as shown in fig. 8 for low friction sliding of the studs 102a and 102b within their respective slots 106a and 106b as disclosed in col. 9, lines 51-53. The slot is wide enough to permit the bridge

Art Unit: 3617

plate to slide through and in a similar manner rotation of the bridge plate is in no way hindered by the slot or any of the structure on the railroad car. Thus, the limitation of "said fittings being operable to accommodate yawing of said beam relative to the first railroad car (22a, 22b) when said beam is located in the longitudinal orientation and the railroad cars are in motion" is fully met by Black et al.

4. Applicant's argument regarding claims 13-15, 20, and 23-26, 29-32 as to the fact that "there is no enabling disclosure in Black of bridge plates at the coupler ends of two railroad cars where the bridge plates are disengageable from the adjacent railroad car" has been addressed in light of the fact that no permanent attachment of the bridge plate with the railroad car exists in Black Jr et al. Fig. 8 of Black Jr et al reference clearly shows a fitting assembly which receive a threaded bolt which serves the purpose of disengagement of the fitting or of the bridge plate from the railroad car.

5. Regarding applicant's argument number 5, it should be noted that the combination rejection was simply based on a teaching of a handle that is disclosed by the prior art of record, Thompson, which disclose a handle attached to the side of a bridge plate for the purpose of moving the plate out of position. A person of ordinary skill in the art would have been motivated to incorporate the handle of Thompson into Black Jr et al for the purpose of rotating the bridge plate out of position during service of the railroad cars and come up with the claim invention. Applicant's argument that the two arts are opposite in direction is weak to overcome the fact that one of ordinary skill in the art would incorporate the use of a handle into Black Jr et al.

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

Art Unit: 3617

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a person of ordinary skill in the art would have been motivated to incorporate the teaching of the handle of Thompson into Black Jr et al for the purpose of rotating the bridge plate out of position during service of the railroad cars and come up with the claim invention.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

Art Unit: 3617


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Frantz F. Jules
Examiner
Art Unit 3617

FFJ

May 11, 2004



S. JOSEPH MORANO
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